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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 July 1993]

Situation in Guatemala

1. Serious, constant and systematic violations of human rights in Guatemala continued during the period under consideration. This situation has been a source of concern to the Sub-Commission on Prevention of Discrimination and Protection of Minorities in previous years and has been reflected in some important resolutions whose recommendations have yet to be implemented.

2. As regards economic, social and cultural rights, it is sufficient to mention a few indicators to demonstrate the extent of the deterioration of such rights in recent years; in 1991, UNDP put Guatemala in last place in "human development" in the Central America region (after Honduras and Nicaragua), while in 1992 poverty affected 84 per cent of the population. The population in the rural areas is the most severely affected by poverty: 96 per cent of the population there is living in poverty and 83 per cent in extreme poverty. The countryside has the highest rates of illiteracy (as much as 95 per cent of the female population in predominantly indigenous departments), malnutrition and infant mortality, subsistence wages and gruelling work days with no possibility of organizing without risk to defend one's interests.

3. The devastating effects of the massacres and scorched-earth policy of the early 1980s, which destroyed the domestic market, are still being felt in the rural areas, due to the lack of efficient Government programmes for reviving the economy by improving the living conditions of the people who were affected by the repression.

4. The structural adjustment policies ordained by the international financial agencies, for their part, have led to the increasing impoverishment of the majority of the people, who are the ones who are actually paying for these adjustments with ever-higher rates of unemployment (41 per cent of the population of working age, in addition to 34 per cent underemployment) and deterioration of the already precarious public services, in particular.

5. Civil and political rights, including fundamental rights (life, liberty, physical integrity and justice) continue to be violated in a variety of ways. From 10 August 1992 to 13 July 1993 there have been continued extrajudicial individual executions (224 victims), collective executions or massacres (9 cases, with a total of 42 victims), disappearances (43 persons in all, with 24 cases in which the bodies were recovered and 19 in which they have not yet been found), while murder attempts and death threats are creating an atmosphere of terror for the population.

6. All these forms of human rights violations affect mainly the low-income sectors and groups organized around human rights defence or economic demands, such as the Runujel Junan Ethnic Communities Council (CERJ), the National Widows' Coordinating Group of Guatemala (CONAVIGUA), the Human Rights Office of the Archbishopric, the Mutual Support Group (GAM), the National Council of Displaced Persons (CONDEG), and cooperatives and non-governmental organizations in the countryside and towns alike.

7. Special attention should be given to the attacks on non-governmental human rights organizations, whose members have been threatened or directly attacked with increasing severity in recent months. In March 1993, the Minister of Defence at the time, General José Domingo García Samayoa, accused the women of CONAVIGUA of being insurgents. In late April, at public meetings held in Sololá, members of the military accused members of the Indigenous Cooperative for Integrated Development (COINDI) of being the pawns of insurgent groups and threatened their lives in anonymous letters sent to the Cooperative's offices.

8. Unfortunately, the attacks against grass-roots organizations did not stop when the former Government Attorney for Human Rights, Mr. Ramiro de León Carpio, was appointed President: as part of the search for the killers of the politician Jorge Carpio Nicolle, Mr. Tomás Lopez y Lopez, a member of the Committee for Peasant Unity (CUC), was detained and abducted by members of the national police and unknown men in civilian clothes, in the village of Chontalá, Chichicastenango, El Quiché. Members of the armed forces and security forces in El Quiché have explained the lack of results of the investigations into this event by the fact that "the perpetrators are members of human rights groups, and if we act against them we will be accused of violating human rights", as though such organizations were made up of criminals.

9. One sector that is particularly seriously affected is the media. Many journalists were directly attacked or threatened during the period under consideration, while a number of explosive devices were planted in various newspapers or broadcasting offices.

10. At times of particular social upheaval, the entire population becomes the target of repression, through terrorist acts such as the setting off of explosive devices in public places or private homes, threatening phone calls warning of such explosives being planted or armed attacks against groups of people in the streets.

11. As if another fundamental right, the right to justice, were of little moment, it is also violated in the country with impunity. In cases such as the extrajudicial execution of the United States citizen Michael Devine, a case in which the United States Embassy pressed for proceedings, the person responsible, Captain Hugo Contreras, was convicted, but later "inexplicably" escaped from a military base prison. Nevertheless, both the detailed report of the Office of the Government Attorney for Human Rights and reports by non-governmental organizations indicate that the country's court files contain thousands of unsolved cases, all "under investigation", in which the culprits will most probably never be determined.

12. Operations by the Guatemalan army, in open violation of the standards of international humanitarian law, continued to be carried out against the Comunidades de Población en Resistencia (CPR), which have been repeatedly bombed, causing forced displacements of the population to Mexico in November 1992. Such operations increased alarmingly in April 1993.

13. It was through the testimony of two young men who succeeded in escaping from clandestine prisons that the international community learned of the armed forces' inhuman treatment of those combatants who have been captured. They named approximately 25 combatants remaining in the hands of the army, many of whom are being subjected to torture, in contravention of the obligations assumed by Guatemala when it signed the Geneva Conventions and Additional Protocol II.

14. In March 1992, the Human Rights Commission of Guatemala (CDHG), an affiliate of the International Federation of Human Rights, filed applications for habeas corpus on behalf of these persons, who are said to be the first prisoners of war recognized in the 30 years of existence of the

non-international armed conflict. The applications were rejected, and the results of the investigations begun by the judiciary have not been disclosed to date.

15. Thus we have a situation in which there are violations not only of human rights law, which the Guatemalan State is bound to respect by virtue of its own Political Constitution and its signature of numerous international agreements, but also of international humanitarian law applicable in times of armed conflict. The negotiations for a political solution to the non-international armed conflict between the Government/Army and the Unidad Revolucionaria Nacional Guatemalteca (URNG) have not yet led to a signing of global agreement on human rights, because it was precisely concerning this subject that the talks, which were also affected by the political crisis at the end of May, became deadlocked.

16. The appointment of the former Government Attorney for Human Rights, Mr. Ramiro de León Carpio, as President of Guatemala raised high expectations in the international community, which trusts that his leadership will bring about a substantial change in the human rights situation in that country.

17. In accordance with these expectations, the grass-root groups belonging to the Multisectoral Social Forum call upon the new President to continue the same approach of defending human rights that he followed during his time as Government Attorney for Human Rights, and that, in the framework of his governmental policy, he will order actions aimed at resolving fundamental aspects of human rights problems, which will necessarily involve demilitarization.

The demands of the grass-roots organizations include the disbandment of the civilian self-defence patrols, the implementation of measures to combat poverty, an end to impunity, and the continuation of the negotiations between the Government/Army and URNG with a view to finding a political solution to the armed conflict.